

Introduced by Senator PerataFebruary 20, 2004

An act to amend Section 11106 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as introduced, Perata. Firearms.

Existing law requires the Attorney General to maintain, among other things, information regarding firearms transactions, as specified.

This bill would make a nonsubstantive, technical change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11106 of the Penal Code is amended to
2 read:
3 11106. (a) In order to assist in the investigation of crime, the
4 prosecution of civil actions by city attorneys pursuant to paragraph
5 (3) of subdivision (c), the arrest and prosecution of criminals, and
6 the recovery of lost, stolen, or found property, the Attorney
7 General shall keep and properly file a complete record of all copies
8 of fingerprints, copies of licenses to carry firearms issued pursuant
9 to Section 12050, information reported to the Department of
10 Justice pursuant to Section 12053, dealers' records of sales of
11 firearms, reports provided pursuant to Section 12072 or 12078,
12 forms provided pursuant to Section 12084, reports provided
13 pursuant to Section 12071 that are not dealers' records of sales of



1 firearms, and reports of stolen, lost, found, pledged, or pawned
2 property in any city or county of this state, and shall, upon proper
3 application therefor, furnish this information to the officers
4 referred to in Section 11105.

5 (b) (1) Notwithstanding subdivision (a), the Attorney General
6 shall not retain or compile any information from reports filed
7 pursuant to subdivision (a) of Section 12078 for firearms that are
8 not handguns, from forms submitted pursuant to Section 12084 for
9 firearms that are not handguns, or from dealers' records of sales
10 for firearms that are not handguns. All copies of the forms
11 submitted, or any information received in electronic form,
12 pursuant to Section 12084 for firearms that are not handguns, or
13 of the dealers' records of sales for firearms that are not handguns
14 shall be destroyed within five days of the clearance by the Attorney
15 General, unless the purchaser or transferor is ineligible to take
16 possession of the firearm. All copies of the reports filed, or any
17 information received in electronic form, pursuant to subdivision
18 (a) of Section 12078 for firearms that are not handguns shall be
19 destroyed within five days of the receipt by the Attorney General,
20 unless retention is necessary for use in a criminal prosecution.

21 (2) A peace officer, the Attorney General, a Department of
22 Justice employee designated by the Attorney General, or any
23 authorized local law enforcement employee shall not retain or
24 compile any information from a firearms transaction record, as
25 defined in paragraph (5) of subdivision (c) of Section 12071, for
26 firearms that are not handguns unless retention or compilation is
27 necessary for use in a criminal prosecution or in a proceeding to
28 revoke a license issued pursuant to Section 12071.

29 (3) A violation of this subdivision is a misdemeanor.

30 (c) (1) The Attorney General shall permanently keep and
31 properly file and maintain all information reported to the
32 Department of Justice pursuant to Sections 12071, 12072, 12078,
33 12082, and 12084 or any other law, as to handguns and maintain
34 a registry thereof.

35 (2) The registry shall consist of all of the following:

36 (A) The name, address, identification of, place of birth (state or
37 country), complete telephone number, occupation, sex,
38 description, and all legal names and aliases ever used by the owner
39 or person being loaned the particular handgun as listed on the
40 information provided to the department on the Dealers' Record of

1 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
2 in Section 12084, or reports made to the department pursuant to
3 Section 12078 or any other law.

4 (B) The name and address of, and other information about, any
5 person (whether a dealer or a private party) from whom the owner
6 acquired or the person being loaned the particular handgun and
7 when the firearm was acquired or loaned as listed on the
8 information provided to the department on the Dealers' Record of
9 Sale, the LEFT, or reports made to the department pursuant to
10 Section 12078 or any other law.

11 (C) Any waiting period exemption applicable to the transaction
12 which resulted in the owner of or the person being loaned the
13 particular handgun acquiring or being loaned that firearm.

14 (D) The manufacturer's name if stamped on the firearm, model
15 name or number if stamped on the firearm, and, if applicable, the
16 serial number, other number (if more than one serial number is
17 stamped on the firearm), caliber, type of firearm, if the firearm is
18 new or used, barrel length, and color of the firearm.

19 (3) Information in the registry referred to in this subdivision
20 shall, upon proper application therefor, be furnished to the officers
21 referred to in Section 11105, to a city attorney prosecuting a civil
22 action, solely for use in prosecuting that civil action and not for any
23 other purpose, or to the person listed in the registry as the owner
24 or person who is listed as being loaned the particular handgun.

25 (4) If any person is listed in the registry as the owner of a
26 firearm through a ~~Dealers' Record of Sale~~ *dealers' record of sale*
27 prior to 1979, and the person listed in the registry requests by letter
28 that the Attorney General store and keep the record electronically,
29 as well as in the record's existing photographic, photostatic, or
30 nonerasable optically stored form, the Attorney General shall do
31 so within three working days of receipt of the request. The
32 Attorney General shall, in writing, and as soon as practicable,
33 notify the person requesting electronic storage of the record that
34 the request has been honored as required by this paragraph.

